

**AIKEN TECHNICAL COLLEGE
PROCEDURE**

Procedure Title:	FREEDOM OF INFORMATION ACT - PUBLIC MEETINGS	Procedure Number:	1-1-102.1
Institutional Authority:	President		
Associated SBTCE Policy/Procedure:			
Governing ATC Policy:	1-1-102		

Approved: _____


President

Date

Adopted: 07/01/2004

Date

Revised: 01/23/2023

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

A. Meetings

1. Aiken Technical College ("College") and the Aiken County Commission for Technical and Comprehensive Education ("Commission") both qualify as a "public body" under S.C. Code § 30-4-20(a), which is part of the South Carolina Freedom of Information Act ("FOIA"). Meetings of public bodies are performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. A "meeting" is defined by S.C. Code § 30-4-20(d) as "the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power."
2. Meetings may be closed to the public during an executive session that is for one or more of the following reasons:
 - a. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a

public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

- b. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.
 - c. Discussion regarding the development of security personnel or devices.
 - d. Investigative proceedings regarding allegations of criminal misconduct.
 - e. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging the location or expansion of industries or other businesses in the area served by the public body.
3. Prior to going into executive session, the public body shall vote in public on the question, and when such vote is favorable, the presiding officer shall announce the specific purpose(s) of the executive session. "Specific purpose(s)" as used herein means one or more of the five items identified in Sections A.2(a) through A.2(e) above. No action may be taken in executive session except to (a) adjourn or (b) return to public session. Members of a public body may not commit the public body to a course of action by a polling of members in executive session.
4. No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of FOIA's requirements or this Procedure to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.
5. Neither FOIA nor this Procedure prohibits the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

B. Notice of Meeting

1. All public bodies must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. An agenda for regularly scheduled or special meetings

must be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the body, if any, at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board or website, if any, public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. This requirement does not apply to emergency meetings of public bodies.

2. All public bodies shall make an effort to notify local news media or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

C. Records

1. All public bodies shall keep written minutes of all of their public meetings, except for matters discussed in executive session. Such minutes shall include, but not be limited to:
 - a. The date, time, and place of the meeting;
 - b. The members of the public body recorded as either present or absent;
 - c. The substance of all matters proposed, discussed, or decided and, at the request of any member, a record, by an individual member, of any votes taken; and
 - d. Any other information that any member of the public body requests be included or reflected in the minutes.
2. Minutes of meetings are classified as public records and must be available within a reasonable time after the meeting, except records of matters discussed during executive session. Minutes of a public body's meetings (except executive sessions) for the preceding six months must be made available for public inspection and copying during the hours of operation, and a person requesting such minutes who appears in person will not be required to make a written request to inspect or copy the records. In connection with responding to a request for public records, the public body may establish and collect reasonable fees not to exceed the actual cost of the search, retrieval, and (if applicable) redaction of such records pursuant to S.C. Code § 30-4-30(B).

D. Responsibilities

1. If a court determines that a FOIA violation has occurred, it may issue an order providing for injunctive relief, costs, and attorney fees to the prevailing party.
2. It is the responsibility of the Public Information Office, under the authority of the President of the College, to notify the news media of the dates and time of Commission meetings, including postponements, cancellations, and other changes.